

COUNCIL ACTED  
AS LAW REQUIRES

Under Texas Statutes, Any  
Printing Contract with the  
"Times" Would Be Void.

Barling directly on the matter of the letting of the city public advertising contract to The Herald, is the fact that J. P. O'Connor, a member of the new board of aldermen, is a stockholder and director in the Times Publishing company. Obviously if the contract had been let to the Times, either Mr. O'Connor would have felt compelled to resign his seat in the council, or else he would have been subject to prosecution under the Texas law.

Article 188 of the City Charter, under which the city of El Paso is now operating, reads:

"And no member of the city council or any officer of the corporation shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by any assessment levied by ordinance, etc."

This section of the charter has been construed in this state in the case of the Texas Anchor Fence company vs. San Antonio, 26 Texas Civ. App. 551, 71 S. W. 2d. The following excerpt is in point: "The law has, in the strong, terms, condemned any connection on the part of an officer with any of the indebtedness of a city, and when he violates the law, he is liable for the rights or immunities of an innocent purchaser." And further: "In addition to the prohibition in the penal code, it is provided in the charter of the city of San Antonio that no member of the city council or any officer of the corporation shall be directly or indirectly interested in any work, business, contract or expense the consideration of which is paid from the city treasury."

In 25 Civ. 659 it is stated: "A public officer is a public trust, and a trustee cannot contract with himself personally, nor may a member of the council be heard to vote upon a contract in which he is personally interested." Municipal contracts entered into with officers of the corporation in violation of these fundamental doctrines or of a statute, or charter provision declaring such void and void as to action lies thereon."

In the case of Brown vs. Woolridge, 75 Street Lighting district No. 1, 71 New Jersey Law, 78, at Atlantic 315, the following language is used by the court: "A determination by the city council in a specific case based on a finding of the body in a matter of which discretionary judgment was reposed in it, is so far judicial as to be voidable if any of the judges who participated were disqualified by private interest, and the awarding of the public printing to a publishing company in which the beneficiaries of the contract owned stock, renders such award void." And further: "A contract entered into by a borough council with an electric light company, two of the directors of which are members of the council, is invalid, although such members voted against the contract." Kenneth Electric Light company vs. Kenner, Supreme, 1 Penna. Dist. 707, 8 Culp 105.

## THE COURTS

**4TH DISTRICT COURT.**  
J. E. Price, Presiding.  
El Paso Investment company vs. P. L. Abel, feeble entry and detainer, filed.  
El Paso Investment company vs. E. E. Price, feeble entry and detainer, filed.  
City of El Paso vs. E. T. White and El Paso Realty company, suit on note and foreclosure of lien, filed.

**5TH DISTRICT COURT.**  
D. M. Jackson, Presiding.  
Josephine Crocker et al vs. H. B. Stevens, trespass to try title, filed.  
Mrs. Alice Q. Wentz vs. Walter A. Wentz, divorce, filed.

**6TH DISTRICT COURT.**  
Ballard Caldwell, Presiding.  
L. H. Williams et al vs. Texas Pacific, suit for damages to cattle shipment, on trial.  
Charles R. Loomis, administrator to the estate of H. H. Moore, deceased vs. E. E. Bondurant, suit on note and foreclosure of lien, filed.

**COUNTY COURT.**  
Adrian Pool, Presiding.  
Dann Oil Company Spring Water company vs. Boardman Auto Supply company, appeal from justice of the peace court by defendant, filed.  
James L. Marr & Co. vs. Mrs. Emma Higgins, W. Higgins and Mrs. H. W. Kelly, suit for commission, filed.  
P. G. Billings vs. Faustino Armendariz, replevin, filed.  
C. W. Kluge vs. Texas & Pacific, suit for 1000 damages, filed.  
Rio Grande Valley Bank & Trust company vs. H. J. Walsh, suit on note, filed.

**JUSTICE COURTS.**  
J. M. Deaver, Presiding.  
El Paso Investment company to P. L. Abel, feeble entry and detainer, filed.  
W. H. Pryor vs. El Paso Times, suit on account, dismissed.  
State of Texas vs. Teosento, criminal, bond fixed at \$750.

**J. J. Murphy, Presiding.**  
State of Texas vs. M. E. Burger, speeding, jury found defendant guilty and fined \$10 and costs.  
State of Texas vs. E. E. Weisman, speeding, jury found defendant guilty and fined \$10 and costs.  
State of Texas vs. W. L. Haskill, speeding, defendant pleaded guilty and was fined \$10 and costs.  
State of Texas vs. H. F. Poppe, speeding, defendant pleaded guilty and was fined \$10 and costs.  
State of Texas vs. J. B. Poirer, speeding, defendant pleaded not guilty and was fined \$10 and costs.

CALOMEL SELDOM  
SOLD HERE NOW

Nasty drug salivates, makes  
you sick, and you lose  
a day's work.

Every druggist in town—your druggist and everybody's druggist has noticed a great falling off in the sale of calomel. They all give the same reason. Dodson's Liver Tonic is taking its place.

"Calomel is dangerous, and people know it, while Dodson's Liver Tonic is perfectly safe and gives better results," said a prominent local druggist. Dodson's Liver Tonic is personally guaranteed by every druggist who sells it. A large bottle costs 50 cents, and it is said to give more relief in every case of liver sluggishness and constipation, you have only to ask for your money back.

Dodson's Liver Tonic is a pleasant, palatable, purely vegetable remedy, harmless to both children and adults. Take a spoonful at night and wake up feeling fine; no biliousness, sick headaches, acid stomach or constipated bowels. It doesn't gripe or cause inconvenience all the next day like violent calomel. Take a dose of calomel today and tomorrow you will feel weak, sick and nauseated. Don't lose a day's work! Take Dodson's Liver Tonic instead and feel fine, full of vigor and ambition.—Advertisement.

WATER USERS TO  
DINE COMMITTEE

Congressional Appropriations Committee El Paso's  
Guests in June.

A banquet and reception, under the auspices of the El Paso Valley and Elephant Butte Water Users' association, will be given for the congressional appropriations committee men who will arrive here the night of June 2.

This was decided upon Saturday morning at a conference between officials of both associations in the office of Felix Martinez, the committee, which is touring the country visiting reclamation projects, will arrive at Elephant Butte the morning of June 2 and will spend the day inspecting the dam. At night they will be entertained in El Paso.

**Trip Through Valley.**  
June 4 the entire party will be taken for a trip through the lower valley, returning in the evening when they will continue their journey. The inspection of the lower and upper valleys will be made under the direction of reclamation service officials, who have charge of the party.

Saturday afternoon at 2 o'clock the ladies of the El Paso water users held a conference with chief electrician J. T. Ensign, who made them an informal talk regarding the possibilities for power development at the dam, and drainage questions. El H. Baldwin, construction engineer at the dam, was present.

Representing the upper valley water users at the conference were L. Clapp, Thos. G. G. Kilsen, A. J. Robertson, Dr. Nathan E. Boyd, Capt. J. E. Reinherz and J. S. Quisenberry. J. A. Smith and Felix Martinez represented the local association.

ARIZONA WOULD  
ANSWER QUICKLY

Department's Plan to Mobilize  
State Guard Shows  
Southwest's Quota.

Phoenix, Ariz., May 15.—In the case of the United States should ever become involved in war, Arizona will be required to furnish 1500 soldiers, New Mexico 500; Texas 11,257. Arizona today has 850 national guardsmen, New Mexico has 900, and Texas has 1925.

The plan of the war department, formulated months ago, is to call upon the state militia organizations for 60,000 men when war is declared. A table in the office of Adj. Gen. Charles W. Harris shows the details of this plan.

This table shows how many men each state would be called upon to furnish if the requirement were made in accordance with population. Arizona's quota would be 850, which she has; New Mexico's would be 1425, and that of Texas 1925.

Arizona would supply Regiment.

Arizona is better able to respond to the call than any other state, according to Col. Harris. The national guard of Arizona comprises 12 companies, each of 70 to 80 men, and 1000 men. Col. Harris believes that it would be an easy matter to recruit each company up to full strength, 100 men.

The mobilization point for the national guard of Arizona is Fort Huachuca, on the outskirts of Mexico. The New Mexico mobilization point is Las Vegas and the Texas troops will be assembled near Austin in case of emergency.

Col. Harris says that the Arizona regiment could be mobilized in 24 hours. Each company commander has blank requisitions for transportation and also all necessary blanks for the purchase of horses and mules.

The super strength of the various national guard organizations is 117,000, but army officers estimate that not over 80,000 guardsmen of those now enlisted, could be placed in the field.

**WEDDING TO BE HELD IN NEWPORT**

The wedding of the two young people when Lieut. Anderson was ordered transferred to Monterey, Calif., for a special assignment, was ordered to leave at once they decided to have the wedding at once and it was arranged for Sunday at the commander's quarters at Fort Huachuca.

After the wedding they will leave for California, where they will spend their honeymoon at the fair before going to Monterey.

**IRISH SAND, WHICH IS BEING USED FOR ballast by ocean liners, owing to the light carcases being sent here from Europe, has been bought by a Bronx contractor. The sand is being used to fill in along the subway excavation in the Bronx.**

**MRS. EDWARD CONKLIN, ONE HUNDRED and one, has just taken her first automobile ride. On the trip she saw for the first time the sights of New York city and the "Great White Way" of Broadway.**

**A JUROR WHO SLEEPS DURING THE trial and does not know "doctor's talk" is excused, and the case against Dr. L. W. Peterson proceeds with 11 in the box.**

**MAGISTRATE STEERS HAS RULED that it was not disorderly conduct for the Rev. J. W. Stewart to tell a woman she "raises the devil."**

Newport, R. I.—The present season has brought forth many interesting engagements. One recently announced was that of Miss Margaret Andrews, only daughter of Mr. and Mrs. Paul Andrews, of Newport and New York, to Morgan Belmont, a son of August Belmont.

AFFILIATION IS  
BEING FOUGHT

New Mexico Cattlemen Oppose Joining Panhandle Association; Rap McDonald.

Magdalena, N. M., May 15.—New Mexico for New Mexicans is the attitude of the cattlemen who are here to organize the New Mexico Cattle Association. This is in direct opposition to Texas and either of the associations composed of Texas cattlemen, J. H. Nations, of El Paso, president of the Panhandle and Southwestern Cattle association made a strong plea before the cattlemen at the opening session of the proposed organization of New Mexico cattlemen, the leaders declare, is different from that of the Texas associations. While it is not admitted the quarantine against New Mexico by Texas because of the foot and mouth disease is having an effect of creating opposition to the proposal to affiliate with the Panhandle association.

In his speech Mr. Nations urged the New Mexicans to join with the association of which he is the head and declared that in organizing a big association all of the members would be benefited because of the increased power of a large association over a smaller one.

Has \$10,000 Debt.

He discussed the debts of the Panhandle association which he said amounted to \$10,000 but which, he said, could be covered by the collectible dues owing to the association and leave a surplus of \$200. He pledged that, if the New Mexico cattlemen joined the Panhandle association that organization would never affiliate with the Texas Cattle Growers' association, of which it is an offshoot. At the El Paso meeting an effort was made to bring about such a consolidation.

Governor Gets a Rap.

Governor W. C. McDonald was rapped by state senator B. F. Pankay, who criticized the half hearted support of the New Mexico cattle association when it was first discussed at the Silver City meeting. He also contradicted the governor's statement that only one-half of the cattle of the state was listed for taxation.

quarantine, a member of the cattle sanitary board, also spoke as did Edward A. Mann, of Albuquerque, W. R. Worley, of Dallas, and Victor Culbertson, of Silver City.

**French Soldiers Erect Monument to Men Falling On Battlefield Of Ourca**

Paris, France, May 15.—The first general monument raised to the memory of soldiers fallen in battle has just been completed by reservists of the engineering corps near Meux. It is a truncated pyramid of stone and cement on a mound of broken stone. It bears on a marble slab in front this inscription: "To the memory of the soldiers of the army of Paris who died upon the battlefield of the Ourca, September, 1914."

Another marble slab bears Hugo's lines:

"Glory to our eternal France!  
"Glory to those who died for her!"

The monument stands on the extreme edge of the field where was fought the battle that turned the tide in favor of the allies and made possible the victory at the Marne.

**Border Romance In Army To Result In Marriage Of Colonel's Daughter**

A border romance in the army will culminate Sunday when Miss Dorothy Morgan, daughter of Col. George H. Morgan, of the 15th cavalry, will be married to Lieut. J. W. Anderson, of the 6th artillery.

The wedding being quietly planned for June by the two young people when Lieut. Anderson was ordered transferred to Monterey, Calif., for a special assignment, was ordered to leave at once they decided to have the wedding at once and it was arranged for Sunday at the commander's quarters at Fort Huachuca.

After the wedding they will leave for California, where they will spend their honeymoon at the fair before going to Monterey.

## Letters To The Herald

[All communications must bear the signature of the writer, but the name will be withheld if requested.]

A GREAT POEM.

Editor El Paso Herald:  
Will you please publish in The Herald, with editorial comment, "The President's Crisis," a poem by James Russell Lowell. I believe Herald readers at this time would appreciate it.

J. W. Jordan,  
1101 Myrtle avenue.

**THE SLEEPING GIANT.**  
Editor El Paso Herald:  
I wish to thank you for the very able editorial on the last page of the paper of May 13—that is the whole situation in a nutshell. You say, "As a nation we have lost the power to feel a hurt to our nationality. Nothing makes any difference with us more." This should be said to Messrs. Wilson and Bryan and to the cabinet, not to the people. For there is a rage slumbering in the hearts of a vast majority of the American people that will break loose some day and then true Americanism will have its way.

J. B. Hammond,  
2909 T. P. Street, El Paso.

**GENERAL APPROVAL EXPRESSED.**  
Editor El Paso Herald:  
Having been among the many constant readers of your paper for the past nine or ten years, we want to say not only you have the best paper in the west, but that the writers you have entered each day in The Herald in regard to the brutal act and heart rending disaster of the great "Lusitania" and its helpless victims on her, is without a doubt the best of any paper.

You have put men and women to thinking deeply where, perhaps, they would not have thought at all. You have spoken great truths that our people seem to be afraid to speak.

I cannot say how large a number of your readers I have heard expressing their opinion on this matter. We among many, hope that these lines which head the last sheet of the thoughtful Herald.

Do you not think that this would be our best chance to win the war? We are not speaking of the broken-hearted wives and mothers and each one whose home has been wrecked by such an inhuman deed.

(Ten signatures appended.)

**ABOUT PROF. DERNBERG.**  
Editor El Paso Herald:  
Allow me to give you the "glad hand" on your editorial devoted to the causes of the European war. In your editorial Germany gets some hearing.

I see no reason why we should go to war with Germany unless it be to exorcise England's weakness by doing so. I cannot understand why Prof. Dernberg's status should be questioned officially by this government, especially in view of the fact that he seems to come with an olive branch to neutralize the waters of the sea.

Do you not think that this would be an idea for the "Chauteau" man who has signed so many arbitration and peace treaties, to fall in line with immediately? Also Mr. Wilson.

This of course would be against England's starvation policy affecting Germany, but it also would prevent this country and possibly other countries from being drawn into the conflict in the long run this policy would be to our benefit, unless the argument could be placed against it which the socialists use, that "so long as the present system of production is in force there can be no peace."

It seems to me it is going against reason when government officials want to close question a man with an olive branch, even though he came as an official representative of the German government. What matters it who he is? If from the German government so much the better. It at least shows that the German government be what it may, is at least ready to extend to us a way out of our difficulties, even though England be in the way. Why are we angry at Prof. Dernberg?

Please keep up your articles for peace.

J. C. Lockman.

**STAND BY THE PRESIDENT.**  
Editor El Paso Herald:  
The president's note to Germany is a masterpiece of modern and proper diplomacy. It is not mere flattery, but is grim, and intelligently deals, at this epochal period, with as grave a subject as ever confronted the United States.

The time now has passed for only gentle manners and polite tactics as a pink tea social, to prevail. "Watchful waiting" has ended, and the humanness of this nation collectively cries out decisively, "Halt!"

Mr. Wilson's note is vigorously analytical, calmly deliberate, and firmly courteous. Truly a human document, and a definite one too. A prudently wise and altogether reasonable

SUBMARINE SAYS LUSITANIA  
WAS NOT FLYING ANY FLAG

Berlin, Germany, May 15.—The Canadian liner Lusitania was not flying any flag at the time she was torpedoed, according to the official report tendered by the submarine which sank the ship. The report says:

"The submarine sighted the steamer, which showed no flag, May 7 at 2:29 o'clock on the southeast coast of Ireland in fine weather. At 2:10 one torpedo was fired at the Lusitania which hit her starboard side below the captain's bridge. The detonation was followed by a further explosion of extraordinary strength effect. The ship quickly listed to starboard and began to sink. The second explosion must be traced to quantities of ammunition on board."

Let every true American earnestly presume and cordially expect, "Yes." Let us hope and fervently trust that there will not be any future need. These are crucial days, and every American citizen should stand shoulder to shoulder with President Wilson until he shows he is "not true steel."

Then and not until then let any American desert the ranks of tolerant humanness to keep out of this "War of Perplexity." Hell's holocaust and brutal massacre of wholesale murder.

Robert T. McClung.

**IS IT INCONSISTENT?**  
Editor El Paso Herald:  
On your page dedicated to the people in speaking of the destruction and loss of life on the Lusitania, the statement that "the question has many angles, and men must try to view all sides," is very appropriate. You could have put it that they must view all sides, and no try about it.

While the whole world deplores the loss of life, we must not forget that there were 1400 cases of cartridges and a large quantity of high explosive on board. With such material, it does not seem strange that the ship should have been so long as she was intended for an enemy of the nation that destroyed her, as the safe landing of such material would have caused the loss of many, many times more lives, to say nothing of the maimed and widows and orphans.

We must consider also that she was too fast a boat to give the customers warning at sea; not only that there was a prize of \$500 for any English ship that ran the German blockade, this alone would make her a ship of destruction.

If we American people would think more of saving lives and not killing as we are doing, the world might be at peace. I say that we American people are killing and we are saving lives. I think you will agree with me when I explain. Now to get down to what I was going to say: America has contributed and justly so, food and hospital supplies, to every nation at war in Europe, to say nothing of Mexico. But for every dollar of food and clothing and hospital supplies, there have been 11 or more in powder and balls shipped to kill and maim the people of the nations at war.

When the great day of judgment comes, who will pay the penalty? Will the whole American people, or will there be but a few of us guilty who will suffer, and justly so?

We use one hand to extend charity and lift the people out of the ditch, while the other one is flitting to overflowing with hell and damnation.

How do you feel, brother? Do you not feel that you are accessories to murder in the first degree by the wholesale? Yes, I would suggest that all those that the Lord has blessed with health and strength quit wearing out their pants at the knees, grunting and growling, and get up and above the world that the Lord is alive within them—get busy and do something. The Lord will be with you then. So long as there is private traffic in arms and ammunition among the people of this world there are going to be wars and revolutions and then more wars.

Jean.

ITALIANS THREATEN REVOLT  
UNLESS WAR IS DECLARED

Rome, Italy, May 15.—Riotous demonstration continued in Rome Friday night. One of the most violent outbreaks was an attempt of the crowds to approach the Austrian embassy. A member of the staff of the nationalist newspaper, Idea Nazionale, hurled his cane through a window of the embassy. He was arrested.

When the people in Milan heard that the Salandra cabinet insisted on resigning, a gathering of 50,000 men and women protested with great violence. There were cries of "Down with the parliamentary Camorra! Death to emperor William! Death to Giolitti! Death to emperor Francis Joseph! Hurrah for the war! Hurrah for the revolution! Death to all traitors!"

The count of Turin, a cousin of king Victor Emmanuel, left the royal palace on foot. He was recognized and hissed and a threatening mob surrounded him, crying, "Down with the monarchy! Long live the republic!"

SEBASTIAN IS ACQUITTED;  
SAYS HE WILL WIN ELECTION

Los Angeles, Calif., May 15.—Charles E. Sebastian says he is now confident of being elected mayor of this city at the election next month. He was one of the foremost candidates in the primary election held recently.

Sebastian, suspended chief of police, and Mrs. Lillie Pratt, were acquitted Friday night on the charge of contributing to the dependency of Mrs. Pratt's half sister, Edith Serkin. The jury was out three hours. Twelve ballots were said to have been taken.

Buy of your neighbor, and he'll buy of you.

## A Lesson of the European War

Once more, among countless times, has the great food value of chocolate and cocoa been demonstrated, both serving as a part of the rations of the troops in ACTIVE SERVICE.

**Baker's Sweet Chocolate**  
has always had this guarantee

"The ingredients of this Chocolate are guaranteed to be pure cocoas of superior blend and sugar."

The genuine has this trade-mark on the package, and is made only by

**Walter Baker & Co. Ltd.**  
DORCHESTER, MASS.

Established 1780

To Southwestern  
Cattlemen

Many years of close, business association with southwestern cattlemen has thoroughly familiarized the management of this bank with the financial problems peculiar to the cattle-raising industry.

We have made a special study of the financial end of the cattle business and are prepared to render cattlemen a banking service that we know will prove exceptionally satisfactory. Cattlemen who desire to obtain a loan, or to open an account or to consult with us on any business matter are invited to write to us. Such correspondence—they may be sure—will receive our special consideration.

**American Trust and Savings Bank**  
J. F. Primm, Pres. El Paso, Texas.

MAKE YOUR RENT ACCOUNT YOUR SAVINGS ACCOUNT

Start Today!

Your payments on a home are just as surely credits to your savings account as tho you had put the money in a bank and you are less apt to draw it out and "blow" yourself to some extravagance.

**MAYFIELD Building & Imp. Co.**  
WHAT STERLING IS TO SILVER MAYFIELD IS TO A HOME